

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1470 be amended to read as follows:

- 1 Page 4, line 42, delete "." and insert ", except that the term of a
- 2 **bond issued to finance a plan of improvements in a sales tax**
- 3 **increment financing area may not exceed thirty (30) years."**
- 4 Page 7, line 25, delete "if:" and insert "**at the earliest occurrence**
- 5 **of the following:**
- 6 **(1) The date thirty (30) years after the date on which a**
- 7 **resolution designating the sales tax increment financing area**
- 8 **was adopted under section 51 of this chapter.**
- 9 **(2) The earliest date on which:**
- 10 **(A) the plan of improvements for the sales tax increment**
- 11 **financing area is completed or abandoned;**
- 12 **(B) there are no remaining outstanding bonds or leases for**
- 13 **which payments from the gross retail incremental amount**
- 14 **(as defined in section 55(a) of this chapter) were pledged;**
- 15 **and**
- 16 **(C) all other creditors and vendors that furnished money,**
- 17 **goods, or services in connection with the plan of**
- 18 **improvements, including their successors or assigns, are**
- 19 **paid in full."**
- 20 Page 7, delete lines 26 through 34.
- 21 Page 8, after line 1, begin a new paragraph and insert:
- 22 "SECTION 10. IC 36-7-15.1-59 IS ADDED TO THE INDIANA
- 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 24 [EFFECTIVE JULY 1, 2007]: **Sec. 59. (a) Except as provided in**

subsection (b), a sales tax increment financing area designated under section 60 of this chapter may comprise all or part of one (1) or more of the following geographic areas within the redevelopment district:

(1) A circular area having a radius of one-fourth (1/4) mile centered on a highway interchange, at least one (1) highway of which is an interstate highway.

(2) An area extending outward from the perimeter of an airport for two thousand five hundred (2,500) feet.

(3) An area extending for five hundred (500) feet on each side of the center line of one (1) or more of the following systems:

(A) Recreational trails.

(B) Commuter rail lines.

(4) A circular area having a radius of one hundred (100) feet centered on a public or private bus stop.

(5) A parcel that includes any part of an area described in subdivisions (1) through (4).

(b) All or part of a geographic area described in subsection (a) may be included in a sales tax increment financing area designated under section 60 of this chapter only to the extent that the geographic area is not part of an area or a district in which a state gross retail or use tax increment is captured under this chapter or any other law.

SECTION 11. IC 36-7-15.1-60 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 60. (a)** Subject to section 59 of this chapter, a commission may, by following the procedures set forth in sections 10, 61, and 62 of this chapter, approve a plan for and designate a sales tax increment financing area.

(b) Subject to section 59 of this chapter, a commission may, by following the procedures set forth in sections 10, 61, and 62 of this chapter, modify a plan for or the boundaries of a sales tax increment financing area.

(c) A final action taken by a commission under section 10(d) of this chapter concerning a sales tax increment financing area is subject to judicial review in accordance with section 11 of this chapter.

SECTION 12. IC 36-7-15.1-61 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 61. (a)** As used in this section, "improvement" means the construction, reconstruction, or repair of public ways, sidewalks, sewers, drains, fences, or buildings, and all other things that would enhance the value of real property and make it more suitable for industrial, commercial, retail, or recreational use.

(b) Whenever a commission finds that:

(1) the public health and welfare would benefit from a plan of

1 improvements to a proposed sales tax increment financing  
2 area; and

3 (2) there are significant obstacles to the development of the  
4 proposed sales tax increment financing area that cannot be  
5 corrected by regulatory processes or the ordinary operations  
6 of private enterprise without resort to this chapter;

7 the commission shall have the data described in subsection (c)  
8 prepared for the proposed sales tax increment financing area.

9 (c) After making a finding under subsection (b), the commission  
10 shall have the following prepared:

11 (1) Maps and plats showing:

12 (A) the boundaries of the proposed sales tax increment  
13 financing area, the location of the various parcels of  
14 property, streets, alleys, and other features affecting the  
15 acquisition, clearance, replatting, replanning, rezoning, or  
16 improvement of the area, indicating any parcels of  
17 property to be acquired for the project; and

18 (B) the parts of the proposed sales tax increment financing  
19 area that are to be devoted to public ways, levees,  
20 sewerage, parks, playgrounds, and other public purposes  
21 under the proposed plan of improvements.

22 (2) Lists of the owners of the various parcels of property  
23 proposed to be acquired.

24 (3) An estimate of the cost of acquisition and improvement.

25 (d) After preparation of the data required by subsection (c), the  
26 commission shall adopt a resolution declaring that:

27 (1) the plan of improvements to the proposed sales tax  
28 increment financing area will be of public utility and benefit;  
29 and

30 (2) the proposed sales tax increment financing area is  
31 designated as a sales tax increment financing area for  
32 purposes of this chapter.

33 The resolution must state the general boundaries of the sales tax  
34 increment financing area, and any interests in land within the  
35 boundaries of the sales tax increment financing area that the  
36 department of redevelopment proposes to acquire, if any.

37 (e) For the purpose of adopting a resolution under subsection  
38 (d), the resolution may describe the boundaries of the sales tax  
39 increment financing area by their location in relation to public  
40 ways or streams, or otherwise, as determined by the  
41 commissioners. Property excepted from the acquisition may be  
42 described by street numbers or location.

43 SECTION 13. IC 36-7-15.1-62 IS ADDED TO THE INDIANA  
44 CODE AS A NEW SECTION TO READ AS FOLLOWS  
45 [EFFECTIVE JULY 1, 2007]: Sec. 62. After or concurrent with the  
46 adoption of a resolution under section 61 of this chapter, the  
47 commission shall determine whether the resolution and plan of

1 improvements conform to the comprehensive plan of development  
 2 for the consolidated city and approve or disapprove the resolution  
 3 and the proposed plan.

4 SECTION 14. IC 36-7-15.1-63 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JULY 1, 2007]: Sec. 63. (a) All the rights, powers,  
 7 privileges, and immunities that may be exercised by the  
 8 commission in a redevelopment project area or urban renewal area  
 9 may be exercised by the commission in a sales tax increment  
 10 financing area, subject to the following:

11 (1) The content and manner of exercise of these rights,  
 12 powers, privileges, and immunities shall be determined by the  
 13 purposes and nature of a sales tax increment financing area.

14 (2) Real property (or interests in real property) relative to  
 15 which action is taken in a sales tax increment financing area  
 16 is not required to meet the conditions described in  
 17 IC 36-7-1-3.

18 (3) The special tax levied in accordance with section 16 of this  
 19 chapter may not be used to finance a plan of improvements  
 20 for a sales tax increment finance area.

21 (4) Bonds may be issued in accordance with section 17 of this  
 22 chapter to defray expenses of carrying out activities under  
 23 this chapter in sales tax increment financing areas, except that  
 24 the term of a bond issued to finance a plan of improvements  
 25 in a sales tax increment financing area may not exceed thirty  
 26 (30) years. Principal and interest on bonds issued to finance  
 27 a plan of improvements in a sales tax increment financing  
 28 area must be paid from the gross retail incremental amount  
 29 (as defined in section 65(a) of this chapter) for the sales tax  
 30 increment financing area.

31 (b) The content and manner of discharge of duties set forth in  
 32 section 6 of this chapter shall be determined by the purposes and  
 33 nature of a sales tax increment financing area.

34 SECTION 15. IC 36-7-15.1-64 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2007]: Sec. 64. (a) After a commission  
 37 designates a sales tax increment financing area under section 60 of  
 38 this chapter, a unit shall create a special revolving fund to be  
 39 known as the sales tax increment financing fund to provide money  
 40 for the purposes of the sales tax increment financing area. The  
 41 commission shall administer the fund. The fund consists of:

42 (1) deposits of gross retail and use tax revenue under section  
 43 66 of this chapter; and

44 (2) transfers of any available and unappropriated money of  
 45 the unit into the fund by the unit's legislative body.

46 Money in the fund does not revert to the unit's general fund at the  
 47 end of the unit's fiscal year.

(b) After a commission designates a sales tax increment financing area or modifies the boundaries of a sales tax increment financing area under section 60 of this chapter, the commission shall send a certified copy of the corresponding resolution to the department of state revenue by certified mail and shall include with the resolution a complete list of the following:

(1) Businesses operating in the sales tax increment financing area.

(2) The date on which each business began operating in the sales tax increment financing area.

(3) Street names and the range of street numbers of each street in the district.

(4) The federal tax identification number of each business in the district.

(5) The street address of each business in the district.

(6) The name, telephone number, and electronic mail address (if available) of a contact person for each business in the district.

(c) The commission shall update a list compiled under subsection (b):

(1) before July 1 of each year; or

(2) within fifteen (15) days after the date that the commission adopts a resolution to modify the boundaries of the sales tax financing area under section 61 of this chapter.

SECTION 16. IC 36-7-15.1-65 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 65. (a) As used in this section, "gross retail incremental amount" for a sales tax increment financing area designated under section 60 of this chapter for a state fiscal year means:

(1) the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 during the state fiscal year by businesses that begin operating in the sales tax increment financing area after the start date of the sales tax increment financing area; multiplied by

(2) fifty percent (50%).

(b) As used in this section, "start date" means the date on which a commission adopts a resolution designating a sales tax increment financing area under section 61 of this chapter. A sales tax increment financing area whose boundaries are modified retains the original start date of the sales tax increment financing area.

(c) Before the first business day in October of each year, the department of state revenue shall calculate the gross retail incremental amount for the preceding state fiscal year for each district designated under this chapter.

(d) A business operating in the district shall report, in the manner and in the form prescribed by the department of state

revenue, information that the department of state revenue determines necessary to calculate incremental gross retail and use taxes.

(e) Not later than sixty (60) days after receiving a certification of a district's modified boundaries under section 60 of this chapter, the department of state revenue shall recalculate the gross retail incremental amount for the preceding state fiscal year for a district modified under section 60 of this chapter.

SECTION 17. IC 36-7-15.1-66 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 66. (a) If a commission designates a sales tax increment financing area under this chapter, the treasurer of state shall establish an incremental tax financing fund for the area. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.**

(b) Fifty percent (50%) of the aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses that begin operating in the sales tax increment financing area after the start date (as defined in section 65(b) of this chapter) shall be deposited during each state fiscal year in the incremental tax financing fund established for the sales tax increment financing area under subsection (a) until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount (as defined in section 65(a) of this chapter) for the sales tax increment financing area.

(c) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a sales tax increment financing area shall be distributed to the commission for deposit in the sales tax increment financing fund established under section 64(a) of this chapter.

SECTION 18. IC 36-7-15.1-67 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 67. (a) A commission shall terminate a sales tax increment financing area under this chapter by resolution at the earliest occurrence of the following:**

(1) The date thirty (30) years after the date on which a resolution designating the sales tax increment financing area was adopted under section 61 of this chapter.

(2) The earliest date on which:

(A) the plan of improvements for the sales tax increment financing area is completed or abandoned;

(B) there are no remaining outstanding bonds or leases for which payments from the gross retail incremental amount (as defined in section 65(a) of this chapter) were pledged; and

(C) all other creditors and vendors that furnished money,

- 1 goods, or services in connection with the plan of  
2 improvements, including their successors or assigns, are  
3 paid in full.
- 4 (b) A commission that adopts a resolution under subsection (a)  
5 shall send a certified copy of the resolution by certified mail to:  
6 (1) the department of state revenue; and  
7 (2) the treasurer of state.
- 8 (c) Any money remaining in the sales tax increment financing  
9 fund of a commission on the date a resolution under subsection (a)  
10 is adopted shall be sent to the treasurer of state for distribution in  
11 accordance with IC 6-2.5-10-1."
- 12 Renumber all SECTIONS consecutively.  
(Reference is to HB 1470 as printed February 20, 2007.)

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Representative Reske